

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Andrew B. Austin, Plaintiff, v. LexisNexis Risk Solutions Inc., Defendant.	Case No.: 23-cv-00869-JMB-JFD AMENDED JOINT STIPULATION AND MOTION TO EXTEND COURT CASE DEADLINES
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Plaintiff Andrew B. Austin and Defendant LexisNexis Risk Solutions Inc, by and through their respective undersigned counsel, jointly stipulate and request under Federal Rule of Civil Procedure 16.02 and Local Rule 16.3 (b) that the Court amend its August 24, 2023, Amended Pretrial Scheduling Order by extending all deadlines sixty days as provided below. This stipulation supersedes the stipulation previously filed in this matter on January 21, 2024 [ECF 24] to address questions raised by the Court in its January 23, 2024 order [ECF 26].

Under Local Rule 16.3(b), a party moving to modify a scheduling order must “establish good cause for the proposed modification; and (2) explain the proposed modification’s effect on any deadlines.” D. Minn. LR 16.3(b)(1-2). Good cause exists to modify this Amended Scheduling Order. Plaintiff and Defendant have been diligently conducting discussions regarding the protective order and motion practice (that was never filed but drafted and shared between the parties) related thereto which was disrupted due to travel schedules and the holidays. Plaintiff has served and Defendant has responded to

written discovery – save and accept the information related to Andrew T. Austin (the other person whose credit report was allegedly mixed with the Plaintiff). The only remaining discovery are depositions of the parties.

Defendant LexisNexis Risk has been unable to produce to date certain information about a non-party with a similar name to Plaintiff's that Plaintiff considers relevant. Because such information arguably constitutes a “consumer report” about the non-party under the Fair Credit Reporting Act, as a consumer reporting agency, LexisNexis Risk cannot disclose such information without a statutory “permissible purpose.” Counsel have agreed on a stipulation under which this Court could order production of the information Plaintiff seeks. Such an order would supply the necessary permissible purpose. The Parties have filed a separate stipulation and proposed order on that topic.

In anticipation of the upcoming production of the information Plaintiff seeks, Plaintiff will make a settlement demand to Defendant within three business days of the receipt of the information. Defendant shall respond to the demand within three days of its receipt of the demand. If the parties are unable to resolve the case on their own by February 15, 2024, they will contact the Court and request a settlement conference (which was originally scheduled for October 19, 2023, *see* Doc. No. 14). The parties will continue working together regarding discovery and related discovery issues, various subpoenas to third parties, in addition to the completion of party depositions.

The Parties move to extend all the Court deadlines by sixty days.

The current deadlines the parties seek to extend are as follows. *See Doc. No. 17.*

- a. Fact Discovery Completion Deadline: February 1, 2024, to April 1, 2024

- b. Non-Dispositive Motion Deadline to Serve and File: March 1, 2024, to May 1, 2024.
- c. Dispositive Motion Deadline to Serve and File: April 15, 2024, to June 15, 2024.
- d. Trial Ready Date: August 15, 2024 – remains subject to the Court's preference.

Should the Court wish for more details, the Parties are amenable to a conference to discuss the matter further and currently one is scheduled for January 30th at 9:00 a.m.

For the reasons stated above, and in the interest of judicial economy, the parties therefore respectfully ask the Court to:

- Extend the current case deadlines by sixty days save and except the Trial Ready Date as indicated above.

CONSUMER JUSTICE CENTER, P.A.

Dated: January 26, 2024

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Dated: January 26, 2024

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